

EXHIBIT A

COSTELLO & MAINS, LLC

By: Kevin M. Costello
Attorney I.D. No. 024411991
18000 Horizon Way, Suite 800
Mount Laurel, NJ 08054
(856) 727-9700
Attorneys for Plaintiff

MARIA IRIS JENNITTE OLIVERO,

Plaintiff,

vs.

AMAZON LOGISTICS, INC. and JOHN
DOES 1-5 AND 6-10,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: CUMBERLAND COUNTY - LAW DIV.

: CIVIL ACTION

: DOCKET NO:

: COMPLAINT AND JURY DEMAND

Plaintiff, Maria Iris Jennitte Olivero, residing in Cumberland County, New Jersey, by way of Complaint against the Defendants, says:

Preliminary Statement

Plaintiff brings suit under the New Jersey Law Against Discrimination (“LAD”) alleging disability discrimination, perception of disability discrimination, failure to accommodate and retaliation, as well as violation of the doctrine set forth in *Pierce v. Ortho Pharmaceutical*.

Identification of Parties

1. Plaintiff Maria Iris Jennitte Olivero is, at all relevant times herein, a resident of Millville, New Jersey and was an employee of the Defendants as that term is defined under the LAD.

2. Defendant Amazon Logistics, Inc. (“Amazon”) is, at all relevant times herein, an entity conducting business in the State of New Jersey at 241 Mantua Grove Road, West

Deptford, New Jersey 08066, and was Plaintiff's employer as that term is defined under the LAD.

3. Defendants John Does 1-5 and 6-10, currently unidentified, are individuals and/or entities who, on the basis of their direct acts or on the basis of *respondeat superior*, are answerable to the Plaintiff for the acts set forth herein.

General Allegations

4. Plaintiff began working for Defendant Amazon as an employee on or around July 28, 2020.

5. Plaintiff suffers from Irritable Bowels Syndrome ("IBS"), and, as such, is disabled within the meaning of that term under the LAD.

6. Plaintiff's disability required the use of the restroom between two (2) and six (6) times a day.

7. In or around November 2020, Plaintiff's manager (name unknown) communicated to Plaintiff that she should obtain a doctor's note regarding the bathroom breaks.

8. In response, Plaintiff advised her manager of her disability.

9. Defendants were thus informed that Plaintiff required a reasonable accommodation for her disability under the LAD.

10. On or about January 20, 2021, Plaintiff's manager, Jada (last name unknown), informed Plaintiff that she was going to be written up due to the frequent bathroom breaks.

11. Jada informed Plaintiff that she would be required to provide a doctor's note by January 25, 2021.

12. Accordingly, Plaintiff contacted her doctor's office and scheduled the earliest appointment available on January 26, 2021.

13. Plaintiff thereafter attended this appointment on January 26, 2021, but was unable to obtain the doctor's note until January 27, 2021 due to issues with the provider's offices.

14. On January 26, 2021, Plaintiff appeared for work.

15. At that time, Plaintiff was informed by Jada that it was "too late" to provide a doctor's note and that she was being terminated by Defendants.

16. Defendants thus failed to provide Plaintiff with a reasonable accommodation for her known disability in violation of the LAD.

17. Defendants further failed to engage in any interactive process to identify any reasonable accommodation for Plaintiff's known disability in violation of the LAD.

18. At all times, Plaintiff was able to perform the essential functions of her job with or without reasonable accommodations for her known disability.

19. Plaintiff suffered an adverse employment action when Defendants terminated her on or about January 26, 2021.

20. A motivating and/or determinative factor in Defendants' decision to terminate Plaintiff was Plaintiff's disability.

21. A further or alternative motivating and/or determinative factor in Defendant's decision to terminate Plaintiff was Defendants' perception of Plaintiff's disability.

22. As a result of Defendants' actions, Plaintiff has suffered economic and non-economic harm, including emotional distress.

23. To the extent that members of Defendants' upper management participated in the above discrimination and/or were willfully indifferent to the same, because the discrimination was especially egregious, punitive damages are warranted.

COUNT I

LAD Disability Discrimination

24. Plaintiff hereby repeats and re-alleges paragraphs 1 through 23, as though fully set forth herein.

25. For the reasons set forth above, the Defendants are liable to Plaintiff for disability discrimination in violation of the LAD.

WHEREFORE, Plaintiff demands judgment against the Defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, equitable back pay, equitable front back, equitable reinstatement, and any other relief the Court deems equitable and just.

COUNT II

LAD Perception of Disability Discrimination

26. Plaintiff hereby repeats and re-alleges paragraphs 1 through 25, as though fully set forth herein.

27. For the reasons set forth above, the Defendants are liable to Plaintiff for perception of disability discrimination in violation of the LAD.

WHEREFORE, Plaintiff demands judgment against the Defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, equitable back pay, equitable front back, equitable reinstatement, and any other relief the Court deems equitable and just.

COUNT III

LAD – Failure to Accommodate

28. Plaintiff hereby repeats and re-alleges paragraphs 1 through 27, as though fully set forth herein.

29. For the reasons set forth above, the Defendants are liable to Plaintiff for failure to accommodate disability in violation of the LAD.

WHEREFORE, Plaintiff demands judgment against the Defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, equitable back pay, equitable front back, equitable reinstatement, and any other relief the Court deems equitable and just.

COUNT IV

Retaliation Under the LAD

30. Plaintiff hereby repeats and re-alleges paragraphs 1 through 29, as though fully set forth herein.

31. Plaintiff engaged in protected activity under the LAD in that she made a request for a reasonable accommodation.

32. Subsequent to making the accommodation request, Plaintiff was subjected to adverse employment actions including, but not limited to, being terminated.

33. A determinative and/or motivating factor in Defendants' decision to terminate Plaintiff from Defendants' decision to terminated Plaintiff from Defendants' employment was Plaintiff's request for a reasonable accommodation.

WHEREFORE, Plaintiff demands judgment against the Defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages,

punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, equitable back pay, equitable front back, equitable reinstatement, and any other relief the Court deems equitable and just.

COUNT V

Request for Equitable Relief

34. Plaintiff hereby repeats and re-alleges paragraphs 1 through 33 as though fully set forth herein.

35. Plaintiff requests the following equitable remedies and relief in this matter.

36. Plaintiff requests a declaration by this Court that the practices contested herein violate New Jersey law as set forth herein.

37. Plaintiff requests that this Court order the defendants to cease and desist all conduct inconsistent with the claims made herein going forward, both as to the specific Plaintiff and as to all other individuals similarly situated.

38. To the extent that Plaintiff was separated from employment and to the extent that the separation is contested herein, Plaintiff requests equitable reinstatement, with equitable back pay and front pay.

39. Plaintiff requests, that in the event that equitable reinstatement and/or equitable back pay and equitable front pay is ordered to the Plaintiff, that all lost wages, benefits, fringe benefits and other remuneration is also equitably restored to the Plaintiff.

40. Plaintiff requests that the Court equitably order the Defendants to pay costs and attorneys' fees along with statutory and required enhancements to said attorneys' fees.

41. Plaintiff requests that the Court order the Defendants to alter their files so as to expunge any reference to which the Court finds violates the statutes implicated herein.

42. Plaintiff requests that the Court do such other equity as is reasonable, appropriate and just.

WHEREFORE, Plaintiff demands judgment against the Defendants jointly, severally and in the alternative, together with compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, equitable back pay, equitable front pay, equitable reinstatement, and any other relief the Court deems equitable and just.

COSTELLO & MAINS, LLC

By: /s/ *Kevin M. Costello*
Kevin M. Costello

Dated: June 25, 2021

DEMAND TO PRESERVE EVIDENCE

1. All Defendants are hereby directed and demanded to preserve all physical and electronic information pertaining in any way to Plaintiff's employment, to Plaintiff's cause of action and/or prayers for relief, to any defenses to same, and pertaining to any party, including, but not limited to, electronic data storage, closed circuit TV footages, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages and any and all online social or work related websites, entries on social networking sites (including, but not limited to, Facebook, twitter, MySpace, etc.), and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

2. Failure to do so will result in separate claims for spoliation of evidence and/or for appropriate adverse inferences.

COSTELLO & MAINS, LLC

By: /s/ Kevin M. Costello
Kevin M. Costello

JURY DEMAND

Plaintiff hereby demands a trial by jury.

COSTELLO & MAINS, LLC

By: /s/ Kevin M. Costello
Kevin M. Costello

RULE 4:5-1 CERTIFICATION

1. I am licensed to practice law in New Jersey and am responsible for the captioned matter.
2. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein.

COSTELLO & MAINS, LLC

By: /s/ *Kevin M. Costello*
Kevin M. Costello

DESIGNATION OF TRIAL COUNSEL

Kevin M. Costello, Esquire, of the law firm of Costello & Mains, LLC, is hereby-designated trial counsel.

COSTELLO & MAINS, LLC

By: /s/ *Kevin M. Costello*
Kevin M. Costello

COSTELLO & MAINS, LLC

By: Bryan J. Horen
Attorney I.D. No. 280462019
18000 Horizon Way, Suite 800
Mount Laurel, NJ 08054
(856) 727-9700
Attorneys for Plaintiff

MARIA IRIS JENNITTE OLIVERO,

Plaintiff,

vs.

AMAZON LOGISTICS, INC. and JOHN
DOES 1-5 AND 6-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CUMBERLAND COUNTY - LAW DIV.

CIVIL ACTION

DOCKET NO: CUM-L-456-21

SUMMONS

From The State of New Jersey to the Defendant Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiffs' attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf

/s/ Michelle M. Smith

Clerk of the Superior Court

DATED: July 7, 2021

Name of Defendant to be Served:

Amazon.com Services, Inc.

Address of Defendant to be Served:

**c/o Corporation Service Company
Princeton South Corporate Center
100 Charles Ewing Blvd, Suite 160
Ewing, NJ 08628**

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL

(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL

(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060

LAWYER REFERRAL

(609) 261-4862
LEGAL SERVICES
(800) 496-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL

(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Courthouse, NJ 08210

LAWYER REFERRAL

(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Streets
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL

(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL

(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl. Court House
Woodbury, NJ 08096

LAWYER REFERRAL

(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House – 1st Floor
583 Newark Avenue
Jersey City, NJ 07306

LAWYER REFERRAL

(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:
Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:
Deputy Clerk of the Superior Court
Middlesex Vicinage
2nd Floor – Tower
56 Paterson Street
New Brunswick, NJ 08903

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 866-0020

MONMOUTH COUNTY:
Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:
Deputy Clerk of the Superior Court
Civil Division
Washington and Court Streets
P.O. Box 910
Morristown, NJ 07963

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:
Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY:
Deputy Clerk of the Superior Court
92 Market Street
P.O. Box 29
Salem, NJ 08079

LAWYER REFERRAL
(856) 678-8363
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:
Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, NJ 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:
Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207

LAWYER REFERRAL

(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvedere, NJ 07823

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 475-2010